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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/511,330	02/23/2000	Eric Andre	9320.99US01	4708

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EXAMINER

MOORE, JAMES K

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 10/31/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/511,330

Applicant(s)

ANDRE ET AL.

Examiner

James K Moore

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed August 18, 2003 have been fully considered but they are not persuasive.

The applicant argues that Renard's reception device does not receive multimedia signals having multi-carrier frequencies. See sections 1a and 1c of the arguments. However, this feature is not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant also argues that Renard's device does not comprise a single preprocessing module allowing continuous inputting of the two processing systems. See section 1b of the arguments. However, the examiner disagrees since Figure 1 clearly shows a preprocessing module (12, 14, 16) which feeds inputs to two processing systems (GLONASS and GPS pathways).

### ***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-3, 6, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Renard et al. (U.S. Patent No. 6,081,691).

Regarding claim 1, Renard teaches a dual mode radio frequency reception device of the type enabling simultaneous reception firstly of multi-carrier broadcast signals in a first frequency band, and secondly, radio positioning signals in a second frequency band. The device comprises a single preprocessing module (12, 14, 16), including a pass-band antenna filter (12) in which the pass-band includes at least the first and second frequency bands, and simultaneously outputting firstly to a first processing system for processing the multi-carrier broadcast signals (GLONASS pathway), and secondly to a second processing system for processing the radio positioning signals (GPS pathway). See Figure 1.

Regarding claim 2, Renard teaches a device according to claim 1, characterized in that the single processing module also comprises at least one the elements belonging to the group comprising: a first low noise amplifier (14), a first transposition stage to a first intermediate frequency, by multiplying by a first transposition frequency (OL1), a second amplifier (ML1, the mixer contains amplification). See Figure 1.

Regarding claim 3, Renard teaches a device according to claim 1, characterized in that the first processing system comprises first digitization means the second reception system comprises second digitization means, the first and second digitization means being controlled by the same analog-digital conversion frequency (34 and 38). See Figure 1.

Regarding claim 6, Reanrd teaches a device according to claim 1, characterized in that it also comprises a frequency synthesizer outputting into the first and second processing systems, capable of generating at least two frequencies belonging to the

group comprising: the first transposition frequency, the digital conversion frequency, a second transposition frequency used by a second transposition stage to a second intermediate frequency included in the first processing system, a second transposition frequency used by a second transposition stage to a second intermediate frequency included in the second processing system (OL1, OL2, and OL3). See Figure 1.

Regarding claim 9, Renard teaches a portable multimedia receiver, characterized in that it comprises a dual mode radio frequency reception device according to claim 1. See Figure 1.

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Renard in view of Leung et al. (U.S. Patent No. 5,719,573).

Regarding claim 4, Renard teaches a device according to claim 3, but does not teach a delta-sigma pass-band modulator. Leung, however, teaches an A/D converter with a delta-sigma pass-band modulator. See col. 1, lines 8-9. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Leung with Renard, for better implementation of A/D converters.

Regarding claim 5, Renard as modified by Leung teaches a device according to claim 3, characterized in that the second digitization means include a "1 bit" quantifier. See Leung, col. 4, lines 4-7.

6. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Renard in view of Oyagi (U.S. Patent No. 6,292,232).

Regarding claim 7, Renard teaches a device according to claim 1, characterized in that the first processing system is used for the reception of communication RF signals and in that the second processing system is used for the reception of GPS signals. See Figure 1. Renard does not teach that the communication RF signal also includes the DAB signal. Oyagi, however, teaches a device for receiving a plurality of high-frequency RF signals of different bandwidth, including the DAB signal. See col.1, lines 6-8 and 31-35. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Renard and Oyagi to include the GPS circuit in all RF communication device to take advantage of the service provided, free of charge, for location and timing information to the users.

Regarding claim 8, Renard and Oyagi teach a device according to claim 1, characterized in that the first frequency band is between 1452.192 MHz and 1491.392 (see Oyagi, col. 1, lines 31-35), and in that the second frequency band is between about 1574.42 MHz and 1576.42 MHz (see Renard, Figure 2).

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Moore, whose telephone number is (703) 308-6042. The examiner can normally be reached on Monday-Friday from 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold, can be reached at (703) 305-4379.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

Art Unit: 2686

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ken Moore

JKM

10/23/03

*Marsha D Banks-Harold*

MARSHA D. BANKS-HAROLD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600